

Vietnam

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Freedom of the Press

Vietnam remained one of Asia's harshest environments for the media in 2013. Authorities employed both legal mechanisms and physical harassment to punish and intimidate critical journalists, and the widely condemned Decree No. 72 prohibited the sharing of news on social-media sites. The internet persisted as one of the few spaces for dissent, despite crackdowns on netizens that continued throughout the year.

Although the 1992 constitution recognizes freedom of expression, the criminal code prohibits speech that is critical of the government, led by the Communist Party of Vietnam (CPV). The definition of such speech is vaguely worded and broadly interpreted. The propaganda and training departments of the CPV control all media and set press guidelines. The government frequently brings charges under Article 88 of the criminal code, which prohibits the dissemination of "antigovernment propaganda"; Article 79, a broad ban on activities aimed at "overthrowing the state"; and increasingly under Article 258, which prohibits the "abuse of democratic freedoms" to undermine state interests. A series of arrests under Article 258 took place in 2013, including those of dissident blogger Trương Duy Nhất and former CPV official Phạm Viết Đà. Both remained in prison without formal charges at year's end. Đinh Nhật Uy, another activist and blogger arrested under Article 258, was convicted in October 2013 and given a 15-month suspended prison sentence after he posted articles to his Facebook page that criticized CPV officials and called for the release of his younger brother, Đinh Nguyên Kha, who is serving a four-year sentence for spreading "antigovernment propaganda."

Reacting to increasingly vibrant reporting by both the traditional and internet-based news media, the government issued a decree in 2006 that defined over 2,000 additional violations of the law in the areas of culture and information, with a particular focus on protecting "national security." In 2011, the government issued Decree No. 2—Sanctions for Administrative Violations in Journalism and Publishing—to restrict the use of pseudonyms and anonymous sources and exclude bloggers from press freedom protections.

The long-anticipated Decree on the Management, Provision, and Use of Internet Services and Internet Content Online, or Decree No. 72, came into effect in September 2013, prohibiting the sharing of news articles and other information on social media. Vietnamese authorities claimed that the move was intended to protect the intellectual-property rights of news agencies, but watchdog groups said it would be used selectively against popular political bloggers and other critics of the government. The final draft of the legislation dropped earlier versions' requirement for foreign internet companies to maintain data centers in Vietnam in order to facilitate official monitoring of online activity, but the broad language of many of the articles makes the decree a ready tool for online repression.

The judiciary is not independent. Individuals are held for months or longer in pretrial detention and are sometimes not released after completing their sentences. Dissidents are often held incommunicado for weeks or months, without access to their families or legal assistance. Lawyers, especially those defending human rights activists, are routinely harassed and threatened, and many trials related to free expression last only a few hours.

The right to access information is not mandated by law, and in practice access to official information and sources is heavily restricted.

The CPV generally views the media as a tool for the promotion of party and state policy, and authorities

often intervene directly to either place or censor content. Calls for democratic reform and religious freedom, land rights, and criticism of relations with China are the issues that most commonly draw official censorship or retribution. Journalists are occasionally permitted to report on corruption at the local level, as it serves the interests of the party's national anticorruption platform, but open criticism of the state is not tolerated. In February 2013, journalist Nguyễn Đắc Kiên was fired from the state-run paper *Family and Society* for posting an online essay that was critical of the CPV general secretary. Authorities did allow some discussion of proposed constitutional reforms during the year, both on online forums and in state-run media. Provincial-level media enjoy slightly more room to report on local issues and have also recently provided increased coverage of land laws and constitutional reforms. Due to the threat of dismissal or legal action, many journalists engage in self-censorship.

Censorship of online content is increasingly common. Internet service providers (ISPs) are legally required to block access to websites that are considered politically unacceptable, and in 2008, the Ministry of Information and Communications (MIC) formed an agency to monitor the internet and blogosphere. While many users report that the government's capacity to monitor and censor remains limited, malicious programs attached to downloadable Vietnamese-language software and distributed denial-of-service (DDoS) attacks, which overwhelm servers and websites with traffic, frequently target politically sensitive websites.

Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics. In 2013 there were numerous reports of unidentified assailants physically attacking bloggers, plainclothes police harassing the families of imprisoned journalists, and authorities preventing family members of defendants from attending trials. Several bloggers and journalists, including a blogger for U.S.-funded Radio Free Asia (RFA), were detained at airports during the year upon their return from trips abroad. Foreign reporters are sometimes denied entry into the country after covering politically sensitive topics. However, the government in 2012 issued a decree that expanded visa permissions for foreign journalists and allowed, for the first time, foreign press agencies to establish a presence outside Hanoi, the capital.

Vietnam has one of the highest numbers of imprisoned journalists worldwide. Online journalists and bloggers remain the most vulnerable to official crackdowns. At year's end, there were a total of 18 journalists behind bars—the vast majority of them freelance contributors to online publications. Well-known blogger and activist Lê Quốc Quân was sentenced in October 2013 to 30 months in prison and a fine of \$60,000 on trumped-up charges of tax evasion after he wrote an article that criticized the CPV's constitutional reform process. Lê Quốc Quân, who wrote regularly on religious persecution, corruption, and other politically sensitive issues, had been held nearly incommunicado for 10 months while awaiting trial. Several citizen journalists and bloggers, including prominent blogger Paulus Lê Sơn, were among 14 activists convicted in January of antistate expression under Article 79. The group had spent more than a year in detention before being tried. A court in Vinh handed down sentences of up to 13 years in prison, though some were later reduced on appeal. The international community petitioned throughout the year for the medical release of jailed netizen Đinh Đăng Định, who was suffering from late-stage cancer. He was sentenced in August 2012 to six years in prison for articles on corruption in the CPV and the bauxite-mining industry. One of the country's most prominent bloggers, Nguyễn Văn Hải, who writes under the name Điều Cày, also remained behind bars in 2013, serving a 12-year sentence handed down in 2012 for his reporting on anti-Chinese protests. He has been incarcerated and held largely incommunicado since 2008, though he completed a previous sentence in October 2010 for trumped-up charges of tax evasion.

Almost all of Vietnam's 850 print media outlets are owned or controlled by the CPV, government institutions, or the army. Independent outlets are prohibited, though some companies are permitted to maintain private newspapers. Several of these newspapers—including *Thanh Niên*, *Người Lao Động*, and *Tuổi Trẻ* (owned by the CPV Youth Union)—have attempted to become financially self-sustaining. Along

with the popular online news site VietnamNet, they have a fair degree of editorial independence, though ultimately they are subject to the CPV's supervision. Several underground publications have been launched in recent years, including *Tổ Quốc*, which continues to circulate despite harassment of staff members, and *Tự Do Ngôn Luận*, whose editor, Father Nguyễn Văn Lý, is currently serving an eight-year prison sentence. International periodicals, while widely available, are sometimes censored.

Radio is controlled by the Voice of Vietnam (VOV) or other state entities. State-owned Vietnam Television (VTV) is the only national television provider, although cable services do carry some foreign channels, for those who can afford them. Many homes and local businesses in urban areas have satellite dishes, allowing them to access foreign programming. In May 2013, a regulation known as Decision 20/2011 came into effect, requiring all foreign news, education, and information content on television to be translated into Vietnamese and censored by the MIC before airing. At least 21 stations, including the British Broadcasting Corporation (BBC), the U.S.-based Cable News Network (CNN), and Channel News Asia, were blocked from retransmission into Vietnam until they agreed to comply with the decree, though authorities had relaxed enforcement by year's end after a broad outcry. The Vietnamese-language services of the BBC, Voice of America, and RFA are blocked intermittently.

The internet continues to be the main outlet for free expression. Approximately 44 percent of the population accessed the web in 2013, with the vast majority using internet cafés and other public providers. Rising internet penetration has created opportunities for discussion and debate about salient public issues, a situation that has generated a permanent tension between the CPV's distinct goals of promoting new technology and restricting online criticism. Website operators continue to use ISPs that are either wholly or partly state-owned. The largest is Vietnam Data Communications, which is controlled by the state-owned Vietnam Posts and Telecommunications Group and serves nearly a third of all internet users.

2014 Scores

Press Status

Not Free

Press Freedom Score

(0 = best, 100 = worst)

84

(0 = best, 30 = worst)

29

(0 = best, 40 = worst)

33

(0 = best, 30 = worst)

22